

**Remarks/Arguments:**

Claims 1-33 are presently pending. Applicants herein amend claims 1, 4, 10, 19, and 26. Support for the claim amendments can be found throughout the application as originally filed. For example, see paragraphs [0036] - [0038] and [0043]. No new matter is added. Reconsideration is respectfully requested in view of the above amendments and the following remarks.

**Allowable Subject Matter**

Page 36 of the Office Action recites "Claims 4, 5 and 14 are allowed" and "Claim 30 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." Applicants appreciate the Examiner's recognition of allowable subject matter. Applicants have not amended claim 30, but contend that claim 30 is allowable because, as discussed below, it ultimately depends from an allowable independent claim, i.e., claim 26.

**Claim Objections**

Page 2 of the Office Action recites that "Claim 4 is objected to because ... at line 11, the phrase 'the acquired module tuning' lacks proper antecedent basis." Applicants herein amend claim 4 to add the term "data" after the phrase "the acquired module tuning," such that the phrase now recites "the acquired module tuning data." Antecedent basis for the phrase "the acquired module tuning data" is found in line 4 of Claim 4. Accordingly, applicants contend that the objection to claim 4 has been overcome and respectfully request that the rejection of claims 4 be withdrawn.

**Claim Rejections Under 35 U.S.C. § 103**

Page 2 of the Office Action recites that "Claims 1, 10, 19 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA [Applicant's Admitted Prior Art] in view of the OpenCable HOST-POD Interface Specification OC-SP-HOSTPOD-IF-108-011221 (hereinafter the HOST-POD Interface Specification)." Applicants respectfully traverse the rejection. While not conceding the rejection, applicants herein amend independent claims 1, 10, 19, and 26 in order to expedite prosecution.

Claim 1 is directed to a method for use in a cable television receiver to switch from a non-module tuning mode to a module tuning mode. Claim 1, as amended, includes the following steps:

presenting a video program signal selected by a user while in the non-module tuning mode;

detecting a cable tuning module in the cable television receiver;

acquiring module tuning data for tuning a plurality of channels available for selection responsive to the detection of the cable tuning module during presentation of the video program signal while in the non-module tuning mode; and

switching from the non-module tuning mode to the module tuning mode based at least in part on the acquired module tuning data for tuning the plurality of channels available for selection.

This means that a video program signal selected by a user is presented while the cable television receiver is in the non-module tuning mode. Module tuning data for tuning a plurality of channels available for selection is then acquired responsive to the detection of a cable tuning module during presentation of the video program signal. The cable television receiver is then switched from the non-module tuning mode to the module tuning mode based at least in part on the acquired module tuning data for tuning the plurality of channels available for selection. This enables a cable television receiver to remain in the non-module tuning mode initially while acquiring module tuning data for tuning a plurality of channels (e.g., when channel selection in the module tuning mode may be inferior to channel selection in the non-module tuning) mode while enabling a viewer to continue viewing channels. See paragraph [0055] of the application as originally filed.

The background section of applicants' application as originally filed and the HOST-POD Interface Specification fail to disclose, teach, or suggest at least the steps of: (1) acquiring module tuning data for tuning a plurality of channels available for selection responsive to the detection of the cable tuning module during presentation of the video program signal while in the non-module tuning mode and (2) switching from the non-module tuning to the module tuning mode based at least in part on the acquired module tuning data for tuning the plurality of channels available for selection.

The Office Action acknowledges at page 3, lines 4-7, and applicants agree, that the background of the instant application fails to disclose the claimed acquiring and switching steps as set forth in claim 1. Further, the background of the instant application fails to teach or suggest these steps as well.

The HOST-POD Interface Specification (herein HPIS) is relied on to teach the claimed acquiring and switching steps. In particular, the Office Action references Section 11.6 D.6, Pages 126-127 and the Figure on page 127 of the HPIS. The Office Action recites that in this portion of the HPIS:

when a module is first plugged in while the system is on (and can be tuned to a channel - see Initialization Condition 2 on page 126), an initialization process commences. During this process, the host reads the CCST\_CIF from the module, and if the STCI\_IFN is present (i.e., contains the value 0x341) this identifies the module as a tuning module. After the initialization is complete, the host transitions to the module tuning mode). See page 3, lines 13 - 19.

This portion of the HPIS provides step by step operation for the interface initialization of the physical layer from the POD module's viewpoint. See page 126, Section 11.6 D.6, lines 1-3. This portion of the HPIS, however, is devoid of acquiring module tuning data for tuning a plurality of channels available for selection and of switching from a non-module tuning mode to a module tuning mode based at least in part on such acquired module tuning data. Accordingly, the HPIS fails to disclose, teach, or suggest at least the steps of: (1) acquiring module tuning data for tuning a plurality of channels available for selection responsive to the detection of the cable tuning module during presentation of the video program signal while in the non-module tuning mode and (2) switching from the non-module tuning to the module tuning mode based at least in part on the acquired module tuning data for tuning the plurality of channels available for selection as set forth in claim 1.

As neither the background of applicants invention nor the HPIS disclose, teach, or suggest at least the steps of: (1) acquiring module tuning data for tuning a plurality of channels available for selection responsive to the detection of the cable tuning module during presentation of the video program signal while in the non-module tuning mode and (2) switching from the non-module tuning to the module tuning mode based at least in part on the acquired module tuning data for tuning the plurality of channels available for selection as set forth in claim 1, the background of instant application and the HPIS each fail to disclose, teach, or suggest, at least two steps of claim 1. Accordingly, applicants contend that claim 1 is allowable over these references for at least this reason.

Claims 10, 19, and 26, while not identical to claim 1, include features similar to the feature discussed above with respect to claim 1. Accordingly, applicants contend that these claims are allowable.

Page 8 of the Office Action recites "Claims 2, 11, 13, 20, 22, 27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA and the HOST-POD Interface Specification as applied to claim 1 above, and further in view of Pauley et al., US Patent No. 6,188,448." Claims 2, 11, 13, 20, 22, 27 and 29 each ultimately depend from one of claims 1, 10, 19, and 26 and, thus, include the features of their respective base claims.

The addition of US Patent No. 6,188,448 to Pauley et al. (Pauley) fails to make up for the deficiencies identified above of the AAPA and the HPIS regarding claims 1, 10, 19, and 26. In particular, Pauley fails to disclose teach or suggest at least the step of switching from the non-module tuning to the module tuning mode based at least in part on the acquired module tuning data for tuning the plurality of channels available for selection as set forth in claim 1.

In Pauley, two tuners are available to tune channels. A tuner selecting mechanism selects which of the two tuners is used to tune a channel, e.g., by preferentially selecting one of the tuners based on speed or anticipating the next channel to tune and pretuning the anticipated channel with the currently unselected tuner. See Abstract of Pauley. Pauley, however, is devoid of switching from a non-module tuning mode to a module tuning mode based at least in part on the acquired module tuning data for tuning the plurality of channels available for selection as set forth in claim 1. As indicated above, this feature of the instant application enables a cable television receiver to remain in the non-module

tuning mode initially while acquiring module tuning data for tuning a plurality of channels when channel selection in the module tuning mode may be inferior to channel selection in the non-module tuning mode while enabling a viewer to continue viewing channels. This is unlike the system taught in Pauley, which will switch from one tuner to another if a single channel is available for selection. Thus, Pauley fails to disclose, teach, or suggest at least the step of switching from the non-module tuning to the module tuning mode based at least in part on the acquired module tuning data for tuning the plurality of channels available for selection as set for the in claim 1, and similarly present in claims 10, 19, and 26.

As Pauley fails to make up for the deficiencies of the AAPA and the HPIS with respect to claims 1, 10, 19, and 26, applicants contend that claims 2, 11, 13, 20, 22, 27 and 29 are likewise allowable. Accordingly, applicants respectfully request that the rejection of these claims be withdrawn.

Page 14 of the Office Actions recites "Claims 3, 12, 21 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of the HOST-POD Interface Specification as applied to claim 1 above, and further in view of Pauley et al., US Patent No. 6,188,448, and further in view of Croy et al., US Patent No. 6,040,829." The feature that was found to be lacking in the AAPA, HPIS, and Pauley with reference with the independent claims is not found in Croy. Thus, Croy fails to make up for the deficiencies of the AAPA, HPIS, and Pauley. Accordingly, applicants contend that claims 3, 12, 21, and 28 are allowable and, therefore, respectfully request withdrawal of the rejection.

Page 21 of the Office Action recites that "Claims 6-7, 15-16, 23 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) and HOST-POD Interface Specification as applied to claims 1, 10, 19, and 26 above, and further in view of Pauley, and further in view of Yun, US Pub No 2001/0006404." Claims 6-7, 15-16, 23 and 31 each ultimately depend from one of claims 1, 10, 19, and 26. The feature that was found to be lacking in the AAPA, HPIS, and Pauley with reference to claim 1 is not found in Yun. Thus, Yun fails to make up for the deficiencies of the AAPA, HPIS, and Pauley. Accordingly, applicants contend that claims 6-7, 15-16, 23, and 31 are allowable and, therefore, respectfully request withdrawal of the rejection.

Page 29 of the Office Action recites that "Claims 8-9, 17-18, 24-25, 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art

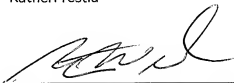
(AAPA) and the HOST-POD Interface Specification as applied to claims 1, 10, 19 and 26 above, and further in view of Inui et al., Japanese Pub No JP 2002-344838 A." Claims 8-9, 17-18, 24-25, 32-33 each ultimately depend from one of claims 1, 10, 19, 26 and, thus, include all of the limitations of their respective base claim. The feature that was found to be lacking in the AAPA and HPIS with reference with the independent claims is not found in Inui. Thus, Inui fails to make up for the deficiencies of the the AAPA and HPIS. Accordingly, applicants contend that claims 8-9, 17-18, 24-25, and 32-33 are allowable and, therefore, respectfully request withdrawal of the rejection.

**Conclusion**

In view of the amendments and remarks set forth above, applicants respectfully submit that claims 1-33 are in condition for allowance and early notification to that effect is earnestly solicited.

Respectfully submitted,

RatnerPrestia

A handwritten signature in black ink, appearing to read "Kenneth N. Nigon", is written over a horizontal line.

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Dated: March 23, 2009

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